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Tamie Richardson
746 Bailey Drive
Grants Pass OR 97527

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH OREGON

Tamie Richardson

Plaintiff,

vs.

First Horizon Home Loan Corp

Defendant

Case # **10-3073-CL**

**MOTION FOR
RECONSIDERATION ON NO
ANSWER DEFAULT**

Dated: September 14, 2010

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF
MOTION FOR RECONSIDERATION OF ORDER**

Plaintiff asks the court to reconsider its ORDER issued September 10, 2010 DENYING Plaintiffs Motion for No Answer Default..

A. Introduction

1. Plaintiff filed suit against Defendant for violations of numerous federal laws/codes, breach of fiduciary duty, fraud, et al.
2. Defendant had 21 days to answer
3. Defendant filed a Notice of Appearance in the case, but failed to answer within the FCRA time limitation
4. Plaintiff filed for no Answer Default on September 1, 2010
5. Defendant requested additional time to answer on September 3, 2010.
6. Judge Panner denied Plaintiffs Default Motion and granted an extension of time.
7. Plaintiff files this motion for reconsideration and asks the court to overturn the Order.

B. Argument

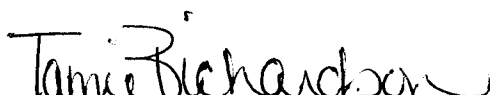
8. The court should grant Plaintiff's motion for reconsideration for the following reasons:
- a. Plaintiffs believe that the judgement contains an error of law, and reconsideration is appropriate. *Russell v. Delco Remy*, 51 F.3d 746, 749 (7th Cir. 1995); *Collision v. Int'l Chem. Workers Union, Local 217*, 34 F.3d 233, 236 (4th Cir. 1994). On August 9, 2010 Plaintiff filed with the court an original complaint. On August 10, 2010 Defendant was served with a summons and a copy of plaintiff's complaint by and through NW Process Service LLC. A copy of the Proof of Service was filed on August 15, 2010 and entered into the court record on August 16, 2010.
 - b. FRCP allows for 21 days to answer a complaint. On August 10, 2010, after receiving the complaint, instead of offering an "answer" to the suit, Defendant only offered a Notice of Appearance. Defendant did not file a responsive pleading or otherwise defend the suit.
 - c. After the court received the proper default paperwork, the Defendant was granted a new date for time to respond.

C. Conclusion

9. Plaintiffs feel that because the FRCP clearly state that the Defendants must answer the suit within 21 days of receipt of service, and Defendants failed to produce an answer to the suit, for these reasons, Plaintiff asks the court to grant the motion for reconsideration and render a judgment that Defendants answer is untimely, and Plaintiffs order for No Answer Default stands.

10. In the alternative, since the order has yet to be uploaded to PACER, Plaintiff would request Finding and Facts in conclusions of law be given to support the decision of this court.

Respectfully,


Tamie Richardson